



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

2B

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,892	12/07/1999	MURALI PARTHASARATHY	5150-18301	7045

7590

06/23/2003

JEFFREY C HOOD
CONLEY ROSE & TAYON PC
PO BOX 398
AUSTIN, TX 78767

EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 06/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,892

Applicant(s)

PARTHASARATHY ET AL.

Examiner

John Q. Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003 and 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15,17-32,36-38,40,42,44-59,63-65,67 and 69-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15,17-32,36-38,40,42,44-59,63-65,67 and 69-122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1,7,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is not on a separate sheet.

Correction is required. See MPEP § 608.01(b).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 15, 17-20, 22-32, 36, 38, 40, 42, 44-47, 49-59, 63, 65, 67, 69-84, 86-122 are rejected under the judicially created doctrine of obviousness-type double patenting as being

Art Unit: 2124

unpatentable over claims 1-90 of U.S. Patent No. 6,064,812. Although the conflicting claims are not identical, they are not patentably distinct from each other because (for example) claim 1 of the present invention refers to a memory medium comprising instructions for creating a graphical data flow program; while, that specific feature is considered inherent in claim 3 in view of claims 4 and 5 of '812 to enable the computer-implemented method and specific in claim 47 of '812.

The present invention also displays on a display a graphical data flow program; while, '812 displays the feature on a screen (display device). The present invention further displays on the screen a first node...in response to user input; while '812's col. 25 lines 61-63 provides for this feature. The present invention also configures the first node; while, an equivalent feature is provided for via '812's col. 25 lines 64-67. The receiving features of the applicant's claim 1 are inherent via col. 26 lines 1-4 in view of claim 2 ('812 col. 26 lines 5-11). The other claims are not identical; however, they possess the same type of difference in phraseology with similar meanings as the example above (For example, The features of claims 15, 17-20, 27-29, 36, 38, 40, 42, 44-47, 54-56, 63, 65, 67, 69-80, 82-84, 89, 102-103, 107-109, 112, 114-120, and 122, are indicated via claim 2 of '812; Claims 22-23, 49-50, and 86-87 are specified via '812's claim 4; Claim 22 of '812 provides for the client/server functions of claims 24-26, 51-53, 88, 90-101, 104-106, 110, 113, and 121; Claims 10 and 12-13 provides reference to the automation/instrumentation feature of claims 30-31, 57-58, and 111; while, Claim 17 provides the functions of claims 32, 59, and 81.

Claim Rejections - 35 USC § 103

Art Unit: 2124

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 15, 17-32, 36-38, 40, 42, 44-59, 63-65, 67, 69-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow as applied to claims 1-14 of the previous action, and further in view of Cain.

Claims

Fowlow/Cain

15. A memory medium comprising program instructions for creating a graphical data flow program, wherein the program instructions operate in a computer including a display and a user input device, wherein the program instructions are executable to implement:

See Fowlow's abstract in which Fowlow's system constructs and defines links and relationships among nodes (see the summary of the invention). Fowlow's visual representation of links and relationships specifically creates and inherently illustrates (graphically) data flow between nodes.

displaying on a display a graphical data flow program...

See Fowlow's fig. 4, the functional part of fig. 1 in view of fig. 2, and col. 3 lines 26-59.

displaying on the screen a first node in the graphical data flow program in response to user input;

See Fowlow's col. 4 lines 21-29.

configuring the first node with information regarding a first method of a first object, wherein said configuring the first node comprises;

This feature is inherent via col. 6 lines 30-37.

receiving first user input selecting a first class from a set of classes, wherein the first object is operable to be instantiated from the first class, wherein the first class includes one or more methods;

See col. 9 lines 45-50 and col. 6 lines 47-56. Also, uninstantiated objects are inherently classes; which, Fowlow references as files (enabling access to instantiate or invoke objects), col. 12 lines 14-52. Therefore, contrary to the applicant's assertions classes are inherently provided for in object oriented systems and indicated in

Art Unit: 2124

Fowlow's system as discussed above. Furthermore, objects are created from classes, col. 2 lines 41-col. 3 line 2 (in the standard case by a developer; but, in Fowlow's system graphically-to simplify the development process).

receiving second user input selecting the first method from the one or more methods;

See col. 12 lines 53-67 and col. 13 line 66-col. 14 line 8. Although it may be argued that Fowlow does not include the method selection feature, it may also be argued that the feature is inherent in object oriented programming to enable applications to be generated, see Fowlow's col. 3 lines 17-41. The last sentence is specifically true when a new object or a new implementations of a previous object are generated, col. 6 lines 23-37. Furthermore, the feature is specifically indicated By Cain, see the abstract and col. 17 line 55-18 line 41. Cain use the feature to simplify the task of creating and maintaining programs. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the feature in Fowlow's system for the same reason to enable each feature of the object oriented application to be modified visually by the user, see Cain's and Fowlow's abstract. Furthermore, methods and attributes (properties, values, etc.) are also inherent in object oriented systems and therefore must be specifically selected and set to enable object instantiations. Therefore, contrary to the applicant's assertions this feature is also provided for via Fowlow/Cain as indicated above.

wherein the first node is operable to invoke the first method of the first object during execution of the

See Fowlow's claim 25.

Art Unit: 2124

graphical data flow program.

In reference to claims 17-20, 27-29, 36, 38, 40, 42, 44-47, 54-56, 63, 65, 67, 69-80, 82-84, 89, 102-103, 107-109, 112, 114-120, and 122, see the rejection of claim 15 above. The features of getting or setting properties (for example in claim 44) is inherent in the invoking feature of claim 15, see again col. 3 lines 41-59 and col. 4 lines 13-29. Furthermore, it is clear that objects are not associated with other objects until they are specifically linked or connected, See Fowlow's col. 4 lines 13-29 and col. 3 lines 17-41.

As per claims 21, 37, 48, 64, and 85, see previous rejection of claim 1 in view of the rejection of claim 15 above and Fowlow's col. 12 lines 14-24.. Also, see Cain's col. 9 lines 21-22, col. 12 lines 11-13, col. 13 lines 63-67 and col. 17 lines 55-67. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Fowlow's system with the class querying feature to further simplify creating and maintaining programs by enabling access to all features of the respective application to be modified visually by the user.

In reference to claims 22-23, 49-50, and 86-87, see the rejection of claim 21.

As per claims 24-26, 51-53, 88, 90-101, 104-106, 110, 113, and 121, see Fowlow's col. 6 lines 16-37, which indicates that code can be from any environment (i.e. visual or non-visual). Also, see col. 2 lines 11-24 and col. 6 lines 16-37, for the client/server portion of the different environments.

The features of claims 30-31, 57-58, and 111, are taught via fig. 9 item 920, fig. 10 and col. 14 lines 15-58.

Claims 32, 59, and 81, are taught via Fowlow's col. 4 lines 30-57.

Conclusion

Art Unit: 2124

7. Applicant's arguments filed 2-25-03 have been fully considered but they are not persuasive. See the rejection above in reference to the 35 U.S.C. 103 rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, see the double patenting rejection above. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Art Unit: 2124

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.



Jqc

June 16, 2003



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124